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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/161,073
Filing Date: September 25, 1998
Appellant(s): CHIN ET AL.

Raymond E. Roberts
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 31, 2005 appealing from the Office action mailed July

18, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,208,956	MOTOYAMA	3-2001
5,644,774	FUKUMOCHI ET AL.	7-1997
6,623,529	LAKRITZ	9-2003
5,944,790	LEVY	8-1999

BERG, Cliff, How Do I Write an International Application?, Dr. Dobb's Journal (July 1997), pp. 1-5

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 5-6, 11, 16, 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama (hereinafter Motoyama), U.S. Patent No. 6,208,956 issued March 2001, in view of Fukumochi et al. (hereinafter Fukumochi), U.S. Patent No. 5,644,774 issued July 1997, and in view of Lakritz (hereinafter Lakritz), U.S. Patent No. 6,623,529 issued September 2003.

In regard to Independent claim 3, Motoyama teaches a HTML document page translated using a resource dictionary database (file) containing translated words and phrases for replacing variables

(Motoyama column 4 lines 14-23, column 5 lines 41-46, column 6 lines 41-55; compare with claim 3 *"a plurality of resource file containing data for replacing said replacement variable,"*).

Motoyama teaches dictionary resource files indicative of various languages for web page variable replacement (Motoyama column 6 lines 20-24; compare with claim 3 *"said replacement variable being selectively replaced by data from a selected one of said resource files, each of the plurality....selected one of said resource files."*, and *"predefined passage of text"*).

Motoyama does not specifically teach resource files including idiomatically-correct predefined text passages. However, Fukumochi teaches a translation system using a dictionary containing idioms of a language as applied to translation from one language to another (Fukumochi Abstract, column 4 lines 64-67 to column 5 lines 1-11; compare with claim 3 *"idiomatically-correct"*). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the dictionary idioms of Fukumochi to the resource files of Motoyama, providing Motoyama the advantage of idioms within its resource files, for accurately translating specialized phrases from one language (and culture) to another.

Motoyama teaches markup based translation of Web pages (Motoyama column 4 lines 14-23, also Figure 3). Motoyama does not specifically teach said markup page as a "template". However, Lakritz teaches a multilingual translation method whereby tag based templates are utilized for content translation (Lakritz Abstract, also column 26 lines 47-60, column 5 lines 40-45, column 6 lines 50-65; compare with claim 3 *"a markup-language encoded template"*). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Lakritz to Motoyama, providing Motoyama the benefit of templates which can easily support many languages and countries, as well as easy to add new languages, updating, etc. (see Lakritz column 7 lines 3-11).

In regard to dependent claim 5, Motoyama does not specifically teach a resource file as a "HTML" resource bundle. However, since Applicant defines said bundle as similar to a Java resource bundle, and Java resource bundles are a known Java class, this limitation would have been obvious to one

of ordinary skill in the art at the time of the invention, in view of Motoyama, because Motoyama's related

dictionary data files (indicative of various languages) used for the translation of various portions of a

HTML page suggests a resource bundle environment, providing the advantage of files categorized by

language (Motoyama column 6 lines 20-30; compare with claim 5).

In regard to dependent claim 6, claim 6 is rejected using the Examiner's argument and rationale

as set forth in the rejection of claim 5, above.

In regard to independent claim 11, Motoyama teaches a HTML document translated using

resource dictionary databases (files) containing various translated words and phrases for replacing

variables (Motoyama column 4 lines 14-23, column 5 lines 41-46, column 6 lines 41-55; compare with

claim 11 *"providing a plurality of data files....corresponding to said variable"*, and *"predefined passage

of text"*).

Motoyama does not specifically teach resource files including idiomatically-correct predefined

text passages. However, Fukumochi teaches a translation system using a dictionary containing idioms of a

language as applied to translation from one language to another (Fukumochi Abstract, column 4 lines 64-

67 to column 5 lines 1-11; compare with claim 11 *"an idiomatically-correct"*). It would have been

obvious to one of ordinary skill in the art at the time of the invention to apply the dictionary idioms of

Fukumochi to the resource files of Motoyama, providing Motoyama the advantage of idioms within its

resource files, for accurately translating specialized phrases from one language to another.

Motoyama teaches selection of a dictionary file used to construct a page using translated words

from said dictionary file (Motoyama column 6 lines 20-25; compare with claim 11 *"selecting one of said

plurality of data files"*, and *"constructing an HTML encoded....replace said variable"*).

Motoyama teaches markup based translation of Web pages (Motoyama column 4 lines 14-23,

also Figure 3). Motoyama does not specifically teach said markup page as a "template". However, Lakritz

teaches a multilingual translation method whereby tag based templates (with variables) are utilized for

content translation (Lakritz Abstract, also column 26 lines 47-60, column 5 lines 40-45, column 6 lines

50-65; compare with claim 11 *"providing an HTML template to a server, said HTML template including*

at least one variable"). It would have been obvious to one of ordinary skill in the art at the time of the

invention to apply Lakritz to Motoyama, providing Motoyama the benefit of templates which can easily

support many languages and countries, as well as easy to add new languages, updating, etc. (see Lakritz

column 7 lines 3-11).

In regard to dependent claim 16, claim 16 is rejected using the Examiner's argument and

rationale as set forth in the rejection of claim 11, above.

In regard to dependent claim 18, Motoyama teaches dictionary translation database files, which

teaches key/value combinations for translation (Motoyama column 6 lines 20-25; compare with claim

18).

In regard to dependent claims 19, 20, the use of curly brackets, commas, and pound signs

within various languages in known in the web publishing art, therefore, it would have been obvious to one

of ordinary skill in the art at the time of the invention to apply said signs accordingly, so as to provide

Motoyama the benefit of specific definitions (i.e. grouping sets, etc.) that these signs teach.

In regard to independent claim 21, Motoyama teaches a HTML document translated using a

resource dictionary database (file) containing translated words and phrases for replacing variables

(Motoyama column 4 lines 14-23, column 5 lines 41-46, column 6 lines 41-55; compare with claim 21 *"a*

markup-language encoded....having a replacement variable within", and *"predefined passage of text"*).

Motoyama teaches markup based translation of Web pages (Motoyama column 4 lines 14-23,

also Figure 3). Motoyama does not specifically teach said markup page as a "template". However, Lakritz

teaches a multilingual translation method whereby tag based templates are utilized for content translation

(Lakritz Abstract, also column 26 lines 47-60, column 5 lines 40-45, column 6 lines 50-65; compare with

claim 21 "*a markup-language encoded template*"). It would have been obvious to one of ordinary skill in

the art at the time of the invention to apply Lakritz to Motoyama, providing Motoyama the benefit of

templates which can easily support many languages and countries, as well as easy to add new languages,

updating, etc. (see Lakritz column 7 lines 3-11).

Motoyama teaches a HTML document page translated using a resource dictionary database (file)

containing translated words and phrases for replacing variables (Motoyama column 4 lines 14-23,

column 5 lines 41-46, column 6 lines 41-55; compare with claim 21 "*a plurality of resource file

containing data for replacing said replacement variable,*").

Motoyama teaches dictionary resource files indicative of various languages for web page variable

replacement (Motoyama column 6 lines 20-24; compare with claim 21 "*said replacement variable being

selectively replaced by data from a selected one of said resource files, each of the plurality....selected one

of said resource files.*").

Motoyama does not specifically teach resource files including idiomatically-correct predefined

text passages. However, Fukumochi teaches a translation system using a dictionary containing idioms of a

language as applied to translation from one language to another (Fukumochi Abstract, column 4 lines 64-

67 to column 5 lines 1-11; compare with claim 21 "*idiomatically-correct*"). It would have been obvious to

one of ordinary skill in the art at the time of the invention to apply the dictionary idioms of Fukumochi to

the resource files of Motoyama, providing Motoyama the advantage of idioms within its resource files,

for accurately translating specialized phrases from one language to another.

In regard to dependent claim 22, Motoyama does not specifically teach a resource file as a HTML "resource bundle". However, since Applicant defines said bundle as similar to a Java resource bundle, and Java resource bundles are a known Java class, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Motoyama, because Motoyama's related dictionary data files (indicative of various languages) used for the translation of various portions of a HTML page suggests a resource bundle environment, providing the advantage of files categorized by language (Motoyama column 6 lines 20-30; compare with claim 22).

Claims 4, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama, Fukumochi, and Lakritz, as presented in claim 3 above, and further in view of Levy (hereinafter Levy), U.S. Patent No. 5,944,790 issued August 1999.

In regard to dependent claim 4, Motoyama does not specifically teach a language code. However, Levy teaches a country code, which is indicative of a particular language (Levy Abstract; compare with claim 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Levy to Motoyama, because of Levy's taught advantage of country codes, providing Motoyama with a way to process a particular language.

In regard to dependent claim 7, Motoyama does not specifically teach server side processing. However, Levy teaches a server accepting a web request along with a country code for processing of said web page (Levy column 2 lines 32-46; compare with claim 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Levy to Motoyama, because of Levy's taught advantage of server side processing, providing Motoyama with a way to process a particular language freeing up client resources.

In regard to dependent claim 8, claim 8 is rejected using the Examiner's argument and rationale as set forth in the rejection of claim 7, above.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama, Fukumochi, and Lakritz, as presented in claim 11 above, and further in view of Levy.

In regard to dependent claim 14, Motoyama does not specifically teach a language code. However, Levy teaches a country code, which is indicative of a particular language (Levy Abstract; compare with claim 14). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Levy to Motoyama, because of Levy's taught advantage of country codes, providing Motoyama with a way to process a particular language.

Motoyama does not specifically teach server side processing. However, Levy teaches a server accepting a web request along with a country code for processing of said web page (Levy column 2 lines 32-46; compare with claim 14). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Levy to Motoyama, because of Levy's taught advantage of server side processing, providing Motoyama with a way to process a particular language freeing up client resources.

In regard to dependent claim 15, claim 15 is rejected using the Examiner's argument and rationale as set forth in the rejection of claim 14, above.

Claims 9-10, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama, Fukumochi, and Lakritz as presented in claims 3, 11 above, and further in view of Cliff Berg (hereinafter Berg), How do I Write an International Application?, Dr. Dobb's Journal, July 1997, downloaded web site <url: http://www.ddj.com/articles/1997/9707/97071/97071.htm?topic=java>, pp.1-5, including text equivalent pp. 6-9, (downloaded on 5/17/2001).

In regard to dependent claim 9, the use of Java code within HTML (i.e. JavaScript) is known in the web publishing art, therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply Java code to HTML for the advantage of dynamic applets, etc.

Motoyama does not specifically teach a JAR file containing a Java ResourceBundle. However, Berg teaches Java in association with a Hot Java browser, incorporating a JAR file and a Java ResourceBundle to be eventually run as an applet (Berg p.6 at numbers 5, 6, also p.7 at number 8; compare with claim 9). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Berg to Motoyama, because of Berg's taught advantage of JAR files and resource bundles, providing Motoyama with a way to utilize the advantages of said files for its dictionaries.

In regard to dependent claim 10, claim 10 reflects substantially similar subject matter as claimed in claims 3 and 9, and is rejected along the same rationale.

In regard to dependent claim 12, 13, claims 12, 13 reflect substantially similar subject matter as claimed in claims 9 and 10, and are rejected along the same rationale.

(10) Response to Argument

Beginning on page 8 of Appellant's Appeal Brief (hereinafter the Brief), Appellant argues the following issues, which are accordingly addressed below.

a.   *"Motoyama nowhere uses any of the phrases 'resource dictionary database,' 'resource dictionary,' 'dictionary database' or any variants of these. It also nowhere uses the term 'variable' or any variants of it."* (page 8 – at bottom, of the Brief, extending to page 9 – near bottom).

The examiner respectfully disagrees. The examiner interprets Appellant's claimed limitations using the broadest reasonable interpretation within the scope of the relevant arts. Motoyama clearly teaches a dictionary and a rules database (see Motoyama column 6 lines 41-55). Motoyama's dictionary contains vocabulary words and phrases accordingly (see Motoyama column 6 lines 20-27). It is respectfully submitted that a "dictionary" file (or dictionary database SQL file, etc.) can be fairly interpreted as a "resource file", since the skilled artisan is cognizant that a dictionary is considered a "resource" of information. It is noted that representative claim 3 recites in pertinent part *"resource files"*. Accordingly, a dictionary of vocabulary words used for translation is fairly interpreted as a form of *"resource file"*.

Regarding Appellant's claimed *"replacement variables"*, Appellant is respectfully reminded of the examiner's position set forth in the Response To Arguments section of the final Office Action mailed July 18, 2005, and repeated below:

Motoyama teaches language translation of HTML Web pages. A typical browser display of a typical HTML document involves suppression of recognized markup tags, while displaying to the user the

content data between various tag pairs, therefore, translation of a page from English to French involves

replacement of English content with translated French content between tag pairs, or before/after various

HTML tags (using Motoyama's translation resource dictionaries). Motoyama Figure 3 shows a translated

markup-based document. Since hierarchical tag pairs define the structure of said document, the text is

translated and displayed accordingly. Motoyama also teaches that the tag itself can be replaced with a tag

of directly translated text (Motoyama Figure 9B).

It is respectfully submitted that Appellant defines the claimed *"variable"* and *"replacement*

variable" as a type of markup-based tag (see Appellant specification page 8, lines 8-19, also Figure 2 item

51) to which the tag is replaced with data. Motoyama teaches this as explained above, and/or in the

alternative, replacing the tag with another tag of data (Motoyama Figure 9B).

Regarding Appellant's claimed *"always"*, it is respectfully noted that the examiner fairly

interprets representative claim 3 to mean that the variable will "always" be replaced by text pursuant to

first being *"governed by the selection"* and *"selectively"* replaced by data. In other words, Appellant

claims that once the variable is "selected" for replacement by data (as claimed), the replacement data will

"always" be "text". Since Motoyama teaches the translation of text, Motoyama's variables (tags) will be

replaced with text accordingly, if/when selected.

b. *"A single passage of text for replacement of the replacement variable thus exists in any given*

resource file in claim 3. This is clearly not a dictionary, and especially not one like Motoyama's that

has four different situational-specific sections to choose definitions from." (page 9 – near bottom, of the

Brief).

The examiner respectfully disagrees. It is respectfully submitted that Appellant is reading the

specification into the claims. A dictionary can encompass meanings of words, translations, etc. In

addition, the skilled artisan is cognizant that "a passage of text" can comprise only one word.

Representative claim 3 does not preclude the examiner from this interpretation.

c.   *"Motoyama actually teaches away from the claimed invention. By employing its complex*

scheme of dictionaries and rule databases, Motoyama is clearly using a different principle of

operation." (page 9 – near bottom, of the Brief).

The examiner respectfully disagrees. The complexity of a reference has no negative bearing on

obviousness, as long as the references teach and/or suggest the claimed limitations. It is respectfully noted

that representative claim 3 does not limit the number of steps, and/or dictate the number and type of

intermediary steps taken.

d.   *"However, the conclusion drawn here is in error. As the Action itself states, 'Fukumochi*

teaches a translation system...of a language' Yet the resource files of claim 3 each contain only one

idiomatically-correct predefined passage of text (singular) with which to replace a replacement

variable in a template. These resource files accordingly do not contain idioms (plural) to choose from."

(page 10 – near top, of the Brief).

The examiner respectfully disagrees. Representative claim 3 does not specifically limit a resource

file to only "one correct passage". Eventually, one word and/or phrase will be selected, regardless of how

many candidates are present. The one word and/or phrase that is selected is usually (hopefully) the correct

one.

Contrary to Appellant's assertion that the examiner's motivation is unsupported conjecture (page

10 of the Brief), it is generally known that accurate translations of documents is always a benefit,

especially when dealing with various idioms that different cultures interpret in different ways.

e.   *"Third, the combination as stated will not work."* (page 10 – at bottom, to page 11, of the Brief)

The examiner respectfully disagrees. The plural idioms of Fukumochi can clearly be placed

within the dictionaries of Motoyama. The "resource file" of representative claim 3 does not limit a

resource file as containing only one item, it merely claims it must contain *"an idiomatically-correct*

predefined passage of text in a different language"

Regarding the Lakritz reference (page 11 – at middle, of the Brief), Appellant merely states that

Lakritz is "irreconcilably different" than what is in claim 3, yet Appellant offers no explanation as to why

it is different.

f.   *"Motoyama does not teach selection of a dictionary file, it teaches selection of a situation-*

specific section (copier, scanner, printer, or general subject matter) within an English-

Japanese/Japanese-English dictionary." (page 12 – at top, of the Brief).

The examiner respectfully disagrees. Motoyama teaches an English-Japanese/Japanese-English

dictionary. Structure and words are translated accordingly.

g.   *"The rejection of claims 4 and 7-8 is technically flawed and also fails to meet the requisite criteria of a prima facie case for obviousness."* (page 13-5, of the Brief).

The examiner respectfully disagrees. The examiner introduces the Levy reference to teach *"a country code"*, and is applied accordingly. Levy is in the same general field of endeavour as Motoyama, Fukumochi, and Lakritz, in that all references deal with document language translation. It is respectfully maintained that a "country code", indicative of (or at least suggestive of) a language, at least suggests a "language code".

Regarding claims 7-8, Motoyama does not specifically teach server side processing. However, Levy teaches a server accepting a web request along with a country code for processing of said web page. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Levy to Motoyama, because of Levy's taught advantage of server side processing, providing Motoyama with a way to process a particular language freeing up client resources. It is respectfully noted that processing can comprise "creation" and/or "building" a document (i.e. proxy servers, etc., as is known in the art).

Regarding Appellant arguments on page 16 of the Brief (regarding the Berg reference), it is respectfully noted that Appellant presents no specific argument against the Berg reference.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals

and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

William L. Bashore

WILLIAM BASHORE
PRIMARY EXAMINER
1/8/2006

Conferees:

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